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REMARKS

Applicants urge that no fee is required as no new claims over those previously paid for have been added through this Amendment. Should any fee be required, Applicants urge that the Commissioner charge Deposit Account 19-3550 for any such fee. No new matter has been added by these amendments.

Request for Telephone Interview

Applicants urge that this Amendment is fully responsive to the pending Office Action and that the subject U.S. patent application is allowable. Should any issue remain, Applicants urge the Examiner to contact the undersigned at 847.490.1400.

Amendment to the Claims

Claims 1 and 17 have been amended to include a magnet and a frame that forms a gap inside the magnetic field region of the magnet, as supported in Fig. 2 and paragraphs 0039 and 0045. Additionally, Claim 1 was amended to include limitations from the previous Claim 2. The preambles of Claims 3-5 have been amended to properly depend from Claim 1. And, Claim 17 has been amended to correct for indefiniteness and to provide proper antecedent basis.

Claims 2, 13-16 and 33-34 were canceled.

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Response to Election/Restriction

Applicants have canceled the non-elected Claims 13-16 to provide a complete reply to this Office Action.

Double Patenting

The Examiner has rejected Claims 1-12 and 17-34 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claims 1-68 of U.S. Patent Application No. 10/821,521 and Claims 1-40 of U.S. Patent Application No. 10/821,673. Applicants shall submit a proper terminal disclaimer over such references upon indication of allowance to the pending claims.

Drawings Objection

The objection of the drawings under 37 CFR § 1.83(a) as not showing the cone-type transducer of Claim 34 is respectfully traversed. Claim 34 has been canceled, rendering this rejection moot.

Claim Objections

The objection of Claims 33-34 under 37 CFR § 1.75(c) as not having proper dependent form, is respectfully traversed. Applicants have canceled Claims 33-34, rendering this rejection moot.

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Claim Rejections - 35 U.S.C. §112

The rejection of Claims 2-5 and 17 based on 35 U.S.C. §112, second paragraph as being indefinite, is respectfully traversed. Claim 2 has been cancelled. The preambles of Claims 3-5 have been amended to correct the antecedent basis issue. Claim 17 has been amended to address the Examiner's indefiniteness rejections related to the voice coil and to provide antecedent basis for the diaphragm and the projection surface. Accordingly, these claim rejections should be withdrawn.

Claim Rejections - 35 U.S.C. §102 The Larson Patent

The Examiner has rejected Claims 1-2, 6-12, 17-20, 28-30 and 33 under 35 U.S.C. §102(b) as being anticipated by Larson, U.S. Patent 4,536,623. These rejections are respectfully traversed, particularly in view of the above Amendments and the following remarks.

Applicants have amended Claims 1 and 17 to incorporate a magnet mounted to the frame which forms a gap where the magnetic field coincides.

In contrast, the Larson Patent discloses an electro-acoustic transducer that requires two magnet pole pieces to form a gap for receiving the vane of the diaphragm. See Col. 6, lines 24-30 and Figs. 1-2 of the Larson Patent. The Larson Patent does not teach or suggest Applicant's claimed acoustic transducer which does not require pair of magnet pole pieces.

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In light of the amendments to Claims 1 and 17, Applicant respectfully urges that the Examiner's arguments for rejecting Claims 2, 6-12, 18-20, 28-30 and 33 are moot. For at least the reasons stated above, Applicants' invention is patentably distinguished from the Larson Patent.

**Claim Rejections Based on 35 U.S.C. §103
The Larson Patent In View of Carme et al.**

The Examiner has rejected Claims 24, 25, 27, 31, 32 and 34 under 35 U.S.C. §103(a) as being obvious over the Larson Patent and further rejected Claims 21-23 and 26 under 35 U.S.C. §103(a) as being obvious over the Larson Patent in view of Carme et al., U.S. Patent 6,285,773. In light of the amendments to Claims 1 and 17, Applicant respectfully urges that the Examiner's arguments for rejecting these claims are moot.

Allowable Subject Matter

Applicant thanks the Examiner for his efforts in identifying Claims 3-5 contain allowable subject matter. Applicant asserts the above Amendment and remarks place all claims in condition for allowance

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Conclusion

Applicants believe that the above Amendment addresses and overcomes each and every issue and rejection raised by the Examiner and therefore places the subject U.S. Patent Application into condition for allowance.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'KDE', is written over the typed name.

Kevin D. Erickson
Reg. No. 38,736

Pauley Petersen & Erickson
2800 West Higgins Road
Suite 365
Hoffman Estates, Illinois 60169
TEL (847) 490-1400
FAX (847) 490-1403